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10/826,277	04/19/2004	Jeyhan Karaoguz	1875.4890000	9921
26111 7590 12/24/2008 STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C. 1100 NEW YORK AVENUE, N.W. WASHINGTON, DC 20005				
EXAMINER HANCE, ROBERT J				
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/826,277

**Applicant(s)**

KARAOGUZ ET AL.

**Examiner**

ROBERT HANCE

**Art Unit**

2421

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 10 September 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-18 and 37-39 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-18 and 37-39 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/S5108)  
Paper No(s)/Mail Date 09/30/2008
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

***Response to Arguments***

1. Applicant's arguments with respect to claims 1-16 have been considered but are moot in view of the new ground(s) of rejection.

2. Applicant's arguments with respect to claims 17 and 18, filed 09/10/2008, have been fully considered but they are not persuasive.

Applicant argues on page 12 of the remarks that Park fails to disclose "gathering device configuration information for devices that may be impacted by said remote control signal." Applicant reasons that Park "does not contemplate a single remote control signal that may impact more than one device." Examiner respectfully disagrees. Park discloses gathering device configuration information for devices that may be impacted by said remote control signal ([0060]-[0062] - when appliances are connected, information regarding their configuration is gathered by master STB 100). Park further discloses a single remote control device (Fig. 1: 200) that sends signals to a master set top box (Fig. 2: 100), where the signals sent from the remote control device impact a plurality of device ([0060]-[0062]). Therefore the signals sent from remote control device 200 impact the plurality of devices shown in Fig. 1.

Regarding claim 18, Applicant argues on pages 14-15 of the Remarks that, since Park does not contemplate a change in signal that may impact multiple devices, the combination of Akaiwa and Park does not teach or suggest each and every feature of

claim 18. Examiner respectfully disagrees. Applicant is reminded one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986). In this case, the only claimed element that is missing from the Akaiwa reference is that there is more than one device whose settings are being adjusted. Akaiwa anticipates a system in which a signal change is detected, and it is determined that the settings of a display device need to be adjusted based on the change in the signal. Park teaches an integrated system containing a plurality of display devices. It would have been obvious to a skilled artisan at the time the invention was made to combine the teachings of Akaiwa and Park by automatically changing the settings of a plurality of display devices when an input signal changes. The only change that one of ordinary skill in the art would make to the Akaiwa reference when motivated by the Park reference would be to adjust the settings of a plurality of devices rather than a single device.

***Claim Rejections - 35 USC § 102***

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claim 17 is rejected under 35 U.S.C. 102(e) as being anticipated by Park et al.,  
US Pub No 2004/0148632.

**As to claim 17**, Park discloses a method to provide hierarchical control of distributed home entertainment electronic devices, comprising:

- (a) receiving a remote control signal (Paragraph 61);
- (b) interpreting said remote control signal (Paragraph 61);
- (c) gathering device configuration information for devices that may be impacted by said remote control signal (Paragraph 60-62);
- (d) determining one or more management commands based on said remote control signal and said device configuration information (Paragraph 61-62 – data about the corresponding appliance is read and the proper management command is created);
- (e) encoding one or more management messages based on the management command (Paragraph 60-62; Paragraph 72, Fig. 4 - controller 230 generates a control signal in response to a remote control command. Appliances are connected to set top box through wires or wirelessly, as described in Paragraph 158-159); and
- (f) transmitting said one or more management messages (Paragraph 60-62; Paragraph 72, Fig. 4 – appliances are connected to the set top box through wires or wirelessly).

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

- (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-2, 6-12 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Park in view of Lee et al., US Pub No 2003/0227439.

**As to claim 1**, Park et al. disclose an integrated control system for control of distributed home entertainment electronic devices (Abstract; Fig. 1), comprising:

a controller (200) for managing the operation of said integrated control system (Paragraph 44-45);

a translator coupled to said controller for translating management instructions into management messages using a preferred communications protocol (Wireless protocol or IEEE 802 or Bluetooth, Paragraph 158) (Paragraph 42-47, 60-62 – after receiving remote control commands, set top box 100 refers to memory 160 to see how to encode command. Command is then sent wirelessly – see Fig. 2: 110 and Paragraph 157-158. This message is translated and encoded to be sent over the wireless network. );

a device database coupled to said controller for storing device information (Paragraph 62);

at least one communications interface coupled to said controller for transmitting and receiving management messages to distributed home entertainment electronic devices (Figs 2-5; Paragraph 44 – 48 all appliances are connected via wireless LAN).

Park fails to disclose that the device database includes user preferences for devices settings.

However, in an analogous art, Lee et al. disclose a similar system in which a user's preferences regarding the settings of various device are stored in a database ([0010] and [0037]; Fig. 2a: 24; [0050]).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the invention of Park with the teachings of Lee. The rationale for this modification would have been to allow each member of a household to have personalized settings, and to have these settings enabled when a user is operating the system.

**As to claim 2**, the combined system of Park and Lee disclose the integrated control system of claim 1, wherein said at least one communications interface includes a wireless interface (Park Paragraph 44; Fig. 3-4).

**As to claim 6**, the combined system of Park and Lee disclose the integrated control system of claim 1, wherein said at least one communications interface includes a wireline interface (Park Paragraph 48 – system can use HPNA over existing telephone wires).

**As to claim 7**, the combined system of Park and Lee disclose the integrated control system of claim 6, wherein said at least one communications interface includes a powerline interface (Park Paragraph 49).

**As to claim 8**, the combined system of Park and Lee disclose the integrated control system of claim 1, wherein said at least one communications interface includes both a wireline and a wireless interface (Park Paragraph 48; Figs. 1-2).

**As to claim 9**, Park et al. disclose a method to control distributed home entertainment electronic devices, comprising:

- (a) receiving a remote control signal (Paragraph 44 and 61);
- (b) interpreting said remote control signal (Paragraphs 45 and 61);
- (c) gathering device information for devices impacted by said remote control signal (Paragraph 60-62);
- (d) translating said remote control signal and device information into a management command (Paragraph 61-62 – data about the corresponding appliance is read and the proper management command is created);
- (e) encoding a management message based on the management command (Paragraph 60-62; Paragraph 72, Figs. 3-4 - controller 230 generates a control signal in response to a remote control command. Appliances are connected to set top box through wires or wirelessly, as described in Paragraph 158-159); and
- (f) transmitting said management message (Paragraph 60-62; Paragraph 72, Fig. 4 – appliances are connected to the set top box through wires or wirelessly).

Park fails to disclose that the device information includes user preferences for devices settings.



However, in an analogous art, Lee et al. disclose a similar system in which a user's preferences regarding the settings of various device are stored in a database ([0010] and [0037]; Fig. 2a: 24; [0050]).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the invention of Park with the teachings of Lee. The rationale for this modification would have been to allow each member of a household to have personalized settings, and to have these settings enabled when a user is operating the system.

**As to claim 10**, the combined system of Park and Lee disclose the method of claim 9, wherein said device information includes a type of communication protocol supported by a device (Park Paragraph 62 – memory contains IR protocol information for each appliance).

**As to claim 11**, the combined system of Park and Lee disclose the method of claim 9, wherein said device information includes a unique identifier for a device that can be used to route management messages (Park Paragraph 60, 62 – memory contains IDs of appliances).

**As to claim 12**, the combined system of Park and Lee disclose the method of claim 9, wherein step (e) includes encoding a management message using a wireless protocol (Park Paragraph 158).

**As to claim 16**, the combined system of Park and Lee disclose the method of claim 11, wherein said wireless protocol is Bluetooth (Park Paragraph 158).

1. Claims 3-5 and 13-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Park in view of Lee, as applied to claims 2 and 11 above, and further in view of Willes et al., US Pub. No. 2005/0117052.

**As to claims 3-5 and 13-15**, while the combined system of Park and Lee disclose that communications conform to the standards in the IEEE 802.11 family and other wireless protocols (Park Paragraph 155), they do not specifically state which standards are being used.

However, In an analogous art, Willes et al. disclose a wireless video distribution network which employs IEEE protocols 802.11b, 802.11e and 802.15.3a (Paragraph 63).

It would have been obvious to one of ordinary skill in the art at the time of the invention to use the wireless protocols disclosed by Willes et al. in the home entertainment control system of Park et al. The motivation for this combination would have been to not limit the system to any one type of communication protocol (Park Paragraph 158).

2. Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Akaiwa et al. US Patent No. 6,741,240 in view of Park et al., US Pub. No. 2004/0148632.

**As to claim 18**, Akaiwa et al. disclose: within a home entertainment system, a method of automatically configuring the electronic device upon a change in a video input signal (col. 4:8-20); comprising

(a) determining a change in a video input signal (col. 8:3-11);

(b) analyzing the characteristics of the video input signal (col. 4:39-64 – signal information detector 131 detects signal information including refresh rate, tracking information and resolution information);

(c) determining whether settings of the electronic devices should be changed based on a change in the video input signal (col. 4:8-20 - determining device 50 determines whether or not to change settings);

(d) when settings should be changed, generating management messages for the device to be changed; and

(e) transmitting said management message (col. 6:45-59; Fig. 1 – determining device 50 is connected to adjusting device 40, which causes display changes when needed, as determined by determining device 50).

Akaiwa et al. fail to disclose a system containing multiple electronic devices, and sending messages to each distributed electronics device to be changed.

However, in an analogous art, Park et al. disclose a system comprising a broad array of electronic devices (Fig. 1).

It would have been obvious to one of ordinary skill in the art at the time of the invention to have multiple electronic devices, as disclosed by Park, use the automatic television settings adjustment disclosed by Akaiwa et al. The rationale for this combination would have been to automatically adjust video signals for use in a range of devices with different inputs.

6. Claims 37-38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Park and Lee as applied to claim 1 above, and further in view of Akaiwa.

**As to claim 37** the combined system of Park and Lee fail to disclose the integrated control system of claim 1, further comprising a means for detecting a change in one or more of the input signals to one or more of the electronic devices and transmit management messages to one or more of the electronic devices to adjust device settings based on the change in one or more of the input signals.

However, in an analogous art, Akaiwa discloses detecting a change in an input signal (col. 4:8-20 - determining device 50 determines whether or not to change settings) and transmitting a message to an electronic device to adjust device settings based on the change in the input signal (col. 6:45-59; Fig. 1 – determining device 50 is connected to adjusting device 40, which causes display changes when needed, as determined by determining device 50).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the combined system of Park and Lee with the teachings of Akaiwa.

The rationale for this modification would have been to ensure that a display device continuously displays a clean image, even during variations in an input signal.

**As to claim 38** the combined system of Park, Lee and Akaiwa disclose the integrated control system of claim 37, further comprising a means for adjusting device settings based on the change in one or more of the input signals and the user preferences (Akaiwa col. 6 lines 45-59).

7. Claim 39 is rejected under 35 U.S.C. 103(a) as being unpatentable over Park, Lee and Akaiwa as applied to claim 37 above, and further in view of Morrison et al., US Patent No 6,263,502.

**As to claim 39** the combined system of Park, Lee and Akaiwa disclose the integrated control system of claim 37, further comprising a means for adjusting device settings based on the change in one or more of the input signals (Akaiwa col. 4 lines 8-20; col. 6 lines 45-59)

The combined system of Park, Lee and Akaiwa fail to disclose adjusting devices settings based on the type of entertainment media being transmitted by the electronic devices.

However, in an analogous art, Morrison discloses adjusting device settings based on the type of entertainment media being transmitted (Abs; col. 2 line 65 – col. 3 line 17; Figs. 1 and 2).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the combined system of Park, Lee and Akaiwa with the teachings of Morrison. The rationale for this modification would have been to improve a user's viewing experience by automatically changing settings, rather than requiring a user to manually change these settings for each type of program.

### ***Conclusion***

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **ROBERT HANCE** whose telephone number is (571)270-5319. The examiner can normally be reached on M-F 8:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John W. Miller can be reached on (571) 272-7353. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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